

UNITED STATES DISTRICT
COURT NORTHERN DISTRICT
OF OHIO EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The County of Cuyahoga, Ohio, v.
Purdue Pharma L.P., et al.,
Case No. 17-op-45004 (N.D. Ohio)*

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS' MOTION FOR LEAVE TO FILE
THIRD AMENDED COMPLAINT UNDER SEAL**

Pursuant to Local Rule 5.2, Plaintiffs in the above captioned case seek leave to file their Third Amended Complaint under seal. This Court's February 15, 2019 Order granted "Track 1" Plaintiffs leave to amend their complaints to add additional U.S. subsidiaries of Allergan, PLC that have manufactured, marketed, sold, distributed or monitored suspicious sales of opioids in the Northern District of Ohio. Rec. Doc. 1377.

Local Rule 5.2 states: "No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of sealed documents." Loc. R. 5.2.

Plaintiffs' Third Amended Complaint contains information, also included in the existing complaint, that is subject to Protective and Confidentiality Orders, including:

- 1) the Protective Order Re: DEA's ARCOS/DADS Database, Rec. Doc. 167 (hereinafter "ARCOS Protective Order"); and
- 2) the Amended Agreed Confidentiality Order, filed in *City of Chicago v. Purdue Pharma L.P.*, Case No. 14-CV-04361, ECF Doc. 487 (N.D. Ill.) (hereinafter "City of Chicago Confidentiality Order").

On April 25, 2018, the Court granted Plaintiffs in this case, as well as plaintiffs in six other actions, leave to file their First Amended Complaints under seal. *See* Order Granting Plaintiffs' Motion to Strike and Amended Motion for Leave to File Amended Complaints Under Seal, Rec. Doc. 262. On May 18,

2018, the Court also granted Plaintiffs in this action leave to file their Second Amended Complaint under seal.

Plaintiffs' Third Amended Complaint will contain information included in the existing complaints filed under seal pursuant to these orders, as well as CMO 2. *See* Order Granting Plaintiffs' Motion to File Amended Complaints Under Seal, Rec. Doc. 471. Specifically, the Third Amended Complaint will contain:

- 1) Information designated CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER by the ARCOS Protective Order; and
- 2) Excerpts from documents produced in *The City of Chicago, Illinois v. Purdue Pharma L.P.*, Case No. 14-CV-04361 (N.D. Ill.), which are subject to the City of Chicago Confidentiality Order, which binds Plaintiffs in MDL 2804 pursuant to CMO One.

Plaintiffs respectfully request to proceed in this manner so there are no inadvertent disclosures of information subject to Protective Orders. Plaintiffs will also file a redacted version of said Third Amended Complaint in the public record.

WHEREFORE, Plaintiffs respectfully request the Honorable Court to grant Plaintiffs' Motion for Leave to File Third Amended Complaint Under Seal.

Dated: May 10, 2019

Respectfully submitted,

/s/ Salvatore C. Badala

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 10, 2019, I electronically filed the foregoing document with the Clerk of the United States District Court, Northern District of Ohio. The electronic case filing system (CM/ECF) will send a Notice of Electronic Filing (NEF) to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Salvatore C. Badala

Salvatore C. Badala

Attorney for Plaintiffs